

STATE OF LOUISIANA \* PARISH OF UNION \* THIRD JUDICIAL DISTRICT

LINDA J. PENDER

FILED: Feb. 12, 2010

VERSUS NO. 43,627

CITY OF FARMERVILLE  
AND DEWAYNE JACKSON

Deborah K. Andrews  
DEPUTY CLERK OF COURT

PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes LINDA J. PENDER, a major resident of Union Parish, Louisiana, who respectfully represents:

1.

Made Defendants herein are:

- (a) CITY OF FARMERVILLE, through the Mayor of Farmerville, a body politic, authorized to do and doing business in the State of Louisiana;
- (b) DEWAYNE JACKSON, a major resident of Ouachita Parish, Louisiana.

2.

Defendants are liable unto Petitioner, in solido, for the following reasons, to-wit:

3.

At all times relevant hereto, Defendant, Dewayne Jackson, was a police officer employed by the Farmerville Police Department, City of Farmerville, and at all times acting in such capacity as the agent, servant and employee of defendant, Farmerville Police Department and the City of Farmerville.

4.

On or about March 17, 2009, at approximately 9:00 a.m., Petitioner was stopped by Dewayne Jackson, a Farmerville Police Officer in the Wal-Mart parking lot in Farmerville, Union Parish, Louisiana.

**A TRUE COPY**

P. B. Taylor  
Dy. Clerk of Court, Union Parish, La.

5.

Petitioner, Linda J. Pender, avers that she was with her husband, Chris, pulled into the parking lot.

6.

Petitioner shows that Defendant, Jackson, passed them and then u-turned and followed them and turned on his emergency lights.

7.

Petitioner states that she and her husband started to get out of the car, and they saw that Jackson had his hand on his gun and seem agitated.

8.

Petitioner avers that Jackson told them to get out of the car and advised them that they were clocked going 46 m.p.h. and requested her license.

9.

Petitioner then handed her license to Jackson.

10.

Petitioner states that Jackson thought she handed him the license too hard and as he was walking to the car he advised Petitioner that she was under arrest for assaulting an officer.

11.

Petitioner shows that Jackson then threw her up against her car and jerked her arms behind her back.

12.

He handcuffed her very tightly. He refused to loosen the handcuffs. Petitioner's hands became painful and then numb. Her shoulder was also injured when the officer jerked her hands behind her back.

13.

Petitioner ultimately sought medical treatment after her release from jail. She was diagnosed with an injury to her right shoulder and a contusion to her right wrist.

14.

The actions of the defendants' employee violated the following clearly established rights of the plaintiff:

- (a) freedom from the unreasonable seizure of her person;
- (b) freedom from the use of excessive and unreasonable force;
- (c) freedom from summary punishment;
- (d) by committing a battery upon the Petitioner;
- (e) by committing the offense of assault upon the Petitioner; and
- (f) such other acts to be shown at the trial on the merits.

15.

The defendant, Jackson, acted with malice and/or with reckless disregard for whether the Petitioner's rights would be violated by his actions.

16.

The actions of defendant violated plaintiffs' rights under the 14<sup>th</sup> Amendment of the United States Constitution and Articles of the Louisiana State Commission of 1974, as amended, and 42 U.S.C. § 1983.

17.

At all times mentioned herein, the said defendant was acting under color of law, under color of statutes, ordinances, regulations, policy and usages of the Farmerville Police Department and the City of Farmerville.

18.

It is further shown the Farmerville Police Department and the City of Farmerville, through their policymaking officials, was so grossly negligent in its training, supervision and discipline of its officers that it was deliberately indifferent to and demonstrated reckless disregard toward the potential violation of Constitutional rights which were likely to occur because of their policies and/or customs and/or their training deficiencies.

19.

As a result of this incident, Petitioner received personal injuries to various parts of her body. Petitioner has suffered, discomfort and permanent disability from said injuries.

20.

As a direct result of the above-described incident and injuries, Petitioner has sustained numerous damages, including, but not limited to, pain, suffering and mental anguish, past, present and future; permanent disability, and other damages to be shown at the trial of this matter. Petitioner, Linda J. Pender, therefore asserts that as a result of the damages she has sustained that she is entitled to an award in an amount to be determined by this Honorable Court at the time of trial to be reasonable in the premises, plus punitive damages and attorney's fees under 42 U.S.C. § 1983, plus legal interest and all costs of these proceedings.

WHEREFORE, PETITIONER PRAYS that the Defendants each be served with a certified copy of this Petition and cited to appear and file answer hereto in the manner and form provided for by law, and that after the lapse of all legal delays and due proceedings are had, there be judgment herein in favor of Petitioner, Linda J. Pender, and against Defendants, Dewayne Jackson and the City of Farmerville, jointly, severally and in solido, for all general, compensatory and punitive damages that are found to be reasonable in the premises, plus attorney's fees, plus legal interest from date of judicial demand and all costs of these proceedings.

PETITIONER FURTHER PRAYS for all orders and decrees necessary and proper herein and for full, general and equitable relief.

Respectfully submitted,

LAVALLE B. SALOMON, APLC  
700 North 2<sup>nd</sup> Street  
P. O. Box 14596  
Monroe, Louisiana 71207  
Telephone: (318) 387-1222  
Facsimile: (318) 387-1273  
ATTORNEY FOR DEFENDANT

BY

Lavalle B. Salomon - #8599

PLEASE SERVE:

- (1) Dewayne Jackson, Farmerville Police Department, 301 East St., Farmerville, LA 71241;
- (2) City of Farmerville, through Mayor M. Stein Baughman, 407 S. Main St., Farmerville, LA 71241.

**NOTICE OF SERVICE**

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*PENDER, LINDA J*

*Vs.*

*CITY OF FARMERVILLE - ET AL*



*Case: 00000043627*

*Division:*

*3<sup>rd</sup> Judicial District Court*

*Parish of Union*

*State of Louisiana*

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*To: LAVALLE SALOMON - ATTORNEY AT LAW  
P.O. BOX 14596  
MONROE, LA 71207*

*Date of Service: TUESDAY, FEBRUARY 16, 2010*

*Name of Party Served: CITY OF FARMERVILLE*

*Personal/Domiciliary: PERSONAL SERVICE THROUGH MAYOR M. STEIN BAUGHMAN*

*Pleading Served: CITATION/PETITION FOR DAMAGES*

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*Deputy Clerk of Court for Dodl Eubanks, Clerk of Court*

[ FILED COPY ]

## CITATION

RETURN

LINDA J PENDER

Versus

CITY OF FARMERVILLE, ET AL



Case: 00000043627

Division:

3<sup>rd</sup> Judicial District Court

Parish of Union

State of Louisiana

To: DEWAYNE JACKSON  
FARMERVILLE POLICE DEPARTMENT  
301 EAST ST.  
FARMERVILLE, LA 71241

You are hereby summoned to comply with the demand contained in the Petition For Damages, exclusive of exhibits, which accompanies this citation or make an appearance either by filing a pleading or otherwise in the Third Judicial District Court in and for the Parish of Union, State of Louisiana within Fifteen (15) days after the service hereof, under penalty of default.

Witness my official hand and seal of office at Farmerville, Louisiana on this the 12th day of February, 2010.

**FILED**  
**CLERK'S OFFICE**

FEB 18 2010

Kathy Abbott, DY.  
CLERK DISTRICT COURT  
UNION PARISH, LA

*Deborah K. Andrews*

Deputy Clerk of Court

Service Information

Received on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ served the above named party as follows:

**Personal Service** on the party herein named \_\_\_\_\_  
**Domiciliary Service** on the party herein named by leaving the same at his/her domicile in the parish in the hands of \_\_\_\_\_, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:  
Parish of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Service \$ \_\_\_\_\_

Mileage \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

By: \_\_\_\_\_  
Deputy Sheriff

Per. Service *Shirley Dumas*

Dom. Service \_\_\_\_\_ to whom \_\_\_\_\_

Date of Service 2-16-10 9:50

By: *Ant Mello*  
Union Parish Sheriff's Office

[ RETURN COPY ]

***NOTICE OF SERVICE***

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***PENDER, LINDA J***

***Vs.***

***CITY OF FARMERVILLE - ET AL***



***Case: 00000043627***

***Division:***

***3<sup>rd</sup> Judicial District Court***

***Parish of Union***

***State of Louisiana***

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***To: LAVALLE SALOMON - ATTORNEY AT LAW***  
***P.O. BOX 14596***  
***MONROE, LA 71207***

***Date of Service: TUESDAY, FEBRUARY 16, 2010***

***Name of Party Served: DEWAYNE JACKSON***

***Personal/Domiciliary: PERSONAL SERVICE THROUGH SHEILA DIXON (?)***

***Pleading Served: CITATION/PETITION FOR DAMAGES***

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***Deputy Clerk of Court for Dodi Eubanks, Clerk of Court***

[ FILED COPY ]



CITATION

RETURN

LINDA J PENDER

Versus

CITY OF FARMERVILLE, ET AL



Case: 00000043627

Division:

3<sup>rd</sup> Judicial District Court

Parish of Union

State of Louisiana

To: CITY OF FARMERVILLE  
THROUGH MAYOR M. STEIN BAUGHMAN  
407 S. MAIN ST.  
FARMERVILLE, LA 71241

You are hereby summoned to comply with the demand contained in the Petition For Damages, exclusive of exhibits, which accompanies this citation or make an appearance either by filing a pleading or otherwise in the Third Judicial District Court in and for the Parish of Union, State of Louisiana within Fifteen (15) days after the service hereof, under penalty of default.

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FILED  
IN CLERK'S OFFICE

FEB 18 2010

Kathy Gilbert, D.C.  
CLERK DISTRICT COURT  
UNION PARISH, LA

*Deborah K. Andrews*

Deputy Clerk of Court

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Service \$ \_\_\_\_\_

Mileage \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

By: \_\_\_\_\_  
Deputy Sheriff

Per. Service *Michael R. Baughman, Jr.*  
To whom  
Date of Service *2-16-10 9:52*  
By *Reynolds*  
Union Parish Sheriff's Office

[ RETURN COPY ]